

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

February 13, 2008

Regular Meeting

Vice-Chairman Russell Correll called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

### **I. ROLL CALL**

#### Commissioners Present

Commissioner Correll  
Commissioner Fox  
Commissioner Kornichuk  
Commissioner Pane  
Commissioner Camerota

#### Commissioners Absent

Chairman Hall  
Commissioner Pruett  
Commissioner Ganley  
Commissioner Niro

#### Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Pruett

### **II. PUBLIC HEARINGS**

- A. **PETITION 56-07** 16 Fenn Road and 712 Cedar Street, owned by Fenn Road Associates, LLC and 22 Fenn Road, Stop and Shop Plaza owned by Hayes-Kaufman Newington Associates, LLC, 1481 Pleasant Valley Road, Manchester, CT 06042 and Fenn Road Associates, LLC, applicants represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for zone map amendment, I Industrial to PD Planned Development Zone. Continued from January 9, 2008.

Attorney Jacobs: Good evening, I'm Attorney Leonard Jacobs, 146 Main Street, Manchester. This is, as you know, the continuation of the public hearing. You will remember the last time, Patrick O'Leary our professional engineer is in the audience, as is Richard Hayes who is the developer. I'll just remind you from the last time, although I'm sure you remember that the site we are dealing with is located on Fenn Road and Cedar Street. The zone change involves two properties, one property is the Stop and Shop shopping center and the other property is a site that is vacant and open land. When we were in front of you last time we said to you that we thought that the zone change should be granted, it's supported by your Plan of Development which encourages the fact that this zone change would be made, and in fact, as I told you last time, the Stop and Shop property is currently in the industrial zone, but the Planning and Zoning Commission changed the zoning regulation to eliminate large retail stores from the industrial zone making that property non-conforming. When we appeared in front of the Planning and Zoning Commission when that zone change was made, we pointed out to them that the Stop and Shop

property would become non-conforming and they said to us, well you should come in for a zone change, which is in fact what we are doing now. At the same time we talked about the adjoining site and we said we would be coming in with a zone change for that also. So we think the zone change should be granted, for the reasons that we indicated and went over last time, and we do believe that the site is not appropriate in the current industrial zone, that nobody would anticipate the remainder of this property being developed industrially and of course the Stop and Shop property doesn't belong in the industrial zone at all. So, with the background we gave you last time, and I don't want to repeat all of it, and bore everyone having to hear it again, but we do believe this zone change is entirely proper, and I also should mention to you, maybe just to take a second, that as part of the zone change application we also submitted a master site plan which we are supposed to submit with the zone change and we showed you, of course the Stop and Shop property isn't going to change, but on our site, we are planning a hotel, we'll be talking about that later, a Starbucks and a bank over here, and a retail building in this location. We have our parking integrated, our traffic lanes integrated, our utilities are going to be common over all the properties, so we have designed our property to be developed sensibly in a good manner and we do believe the zone change and the master plan should be approved. From our perspective we have no more information to provide to you, and we would be very happy if you elected to close the public hearing tonight. We certainly are happy to answer any questions you may have, but on the zone change subject I think we have provided for you all the information that we may be able to provide. So if there are any questions, I would be happy to answer them, as would Pat O'Leary as would Rich Hayes, other than that, we are finished.

Vice-Chairman Correll: Commissioners, any questions? Thank you.

Attorney Jacobs: Thank you very much.

Vice-Chairman Correll: Anybody from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak in opposition? Anyone from the public would like to speak. I would like to entertain a motion that we close this public hearing.

Commissioner Fox moved to close the public hearing. The motion was seconded by Commissioner Camerota.

Commissioner Pane: Anything from staff on this before we close it?

Ed Meehan: My staff report was entered into the record at the initial public hearing on January 9<sup>th</sup>, I made it part of the record. I don't have anything more to add other than that I found two or three examples of policies in your Plan of Conservation and Development that support a proposed change of zone use from industrial to more of a commercial nature here, for regional type uses and made those notes as part of the record.

Commissioner Pane: Thank you.

The vote was unanimously in favor of the motion, with five voting YES.

**B. PETITION 57-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for Special Exception Section 3.19.1 and 3.15.4 Restaurant with Drive Through Window Service, PD Zone District (Proposed.) Continued from January 9, 2008.**

Attorney Jacobs: Thank you, again Leonard Jacobs, 146 Main Street, again, this is the second night of a hearing on this particular application. It's important as we discuss this application that you remember that this application is only for permission to put a drive-through in. Later in the evening, in the non-public hearing portion, there will be a site plan hearing, and that's when we discuss the site, the layout of the property and all of that kind of thing. So for the Special Permit, it is only our request to be able to put a drive-through on the Starbucks restaurant, which the zoning regulation does allow us to do. I do want to tell you that at the last meeting Kathy McVane from Starbucks, who is the Director of Development, or Development Manager in the northeast was unable to be with us, but Kathy is here tonight, sitting in the back, and she's here in case you have any questions specifically related to the operation of the drive-through on this application, and on the site plan application, if you have any questions at all for Kathy about how the site plan will work or any questions about how Starbucks operates, Kathy will be here, so she's here to answer any questions that you have about this application and she wants to make sure that we have given you all the information that you need. We did last time if you remember have testimony from Pat O'Leary our professional engineer and also from Vahid Karimi who is our traffic engineer, and we answered all the questions, sometimes it's a little hard to remember which information we provided at the Special Permit and which information we provided at the site plan, because they were both about the Starbucks application but we did provide the answers to the questions that you are supposed to ask yourself when someone comes in with a drive through application. There are five questions that need to be answered. The first question is, does the traffic work, and we did explain to you the traffic situation which we had reviewed with staff and how the traffic worked and we felt it worked fine, and the only question that we were asked last time was the size of the trucks that will go on the site, and Kathy has told me that Starbucks is serviced by box trucks which are the smaller trucks and the turning radius and everything will work for that size truck, and of course it will work for your emergency vehicles also. The second question is whether we are 150 feet from a corner intersection, and we are; and then you have to answer the question, will the drive-through be located on one side of a building, and properly positioned to avoid conflicts, and we did show you that the drive through of course will be on one side of the building, it doesn't wrap around, and that the traffic flow will work properly and safely. Then we have to show you that the site is 300 feet from any residential properties, and there are no residential properties anywhere around us, certainly not within 300 feet and probably much further. The last question was will we exceed sixty percent of impervious surface and our engineer has certified and listed on the plans on our zone tables that we will not exceed the required sixty percent, so we meet all the requirements for the Special Permit for the drive through, we certainly think that when we get to the site plan stage we'll again review with you the site plan to the extent that we haven't covered it, but we think between this application for the Special Permit and the application for the site plan which is separate, we will have a very nice building at that corner of the site. We think the Starbucks goes very well with the hotel that we are going to be putting in because people waking up in the morning in the hotel may feel like driving over for coffee. They won't have to drive outside the site because the site is interconnected so it's very convenient and we think it is a very good combination of uses and the drive-through of course is very important since you can't put up one of these types of stores without a drive-through any more, and the hotel people coming in the morning may well prefer the drive-through, but in any case the drive-through is important to us. It does no harm to the site at all, there are no residential people to be impacted, it's simply a commercial property that will have a drive-through on that particular business. So with that, I guess, much like I said last time, we think we have answered the questions that were raised on the drive-through, we have I think

answered the points that Ed may have raised in his memo on the drive-through. If there are any Ed, that aren't covered perhaps bring them to our attention, we will cover them now, and again, we have presented all the information that we have for you, so if in fact you don't have any questions after this part is done, and you would like the public to speak, and Ed says whatever Ed might say, I think it is probably appropriate to close this hearing also. Thank you.

Vice-Chairman Correll: Questions from Commissioners?

Commissioner Pane: I would like to ask the Town Planner what the, or maybe the applicant can answer this, the queue line for the drive-through, how many vehicles can we queue up there before we hit the sidewalk? The radius, for the Town Planner, looks kind of tight there for, if a truck came in, you know, I mean, besides trucks servicing the restaurant, you are going to get trucks going in there for coffee too. I would like to know about that radius and the queue line, and even, I know that we are not talking about it right now, but even the queue line for the bank looks, doesn't look very good at all because it looks like within three cars and you are going to be right into the parking area.

Ed Meehan: I think the question about the radius for the drive-up was raised last time, and....

Attorney Jacobs: Yes, Patrick O'Leary our engineer, I think he answered it and we're certainly happy to review that again. I think you are correct in what you said, the bank, the Special Permit for the drive-through is required because your regulations says that if you have a drive-through associated with a restaurant you need a Special Exception as you call it. The bank drive through we can talk about when we get to the site plan, because we didn't need a Special Exception for that.

Patrick O'Leary: Good evening, my name is Patrick O'Leary, VHB, 54 Tunnel Place, Middletown Connecticut, presented at the last hearing. These two critical issues, first of all, with respect to the radii entering into the drive-through area, this path was run using the largest SUV turning template that is available in Auto-turn. There is approximately a foot and a half to two feet of available free board for the largest SUV navigating this route through the drive-through here, which is sufficient when you are looking at both sides of the vehicle. It does look from a planned standpoint that it's tight, that's because we're looking at site planning in two-d, and it's been reduced. From a driving standpoint, very safe and should not present any problem whatsoever to a person maneuvering the largest SUV template that is available. From a queuing stand point for the drive-through associated with the restaurant itself, numerous potentials on this site to stack vehicles in addition to the stacking lane associated specifically with the drive-through. Unlike many drive-through scenarios that we see around state highways and in communities today where vehicles actually back out onto the road, prevent normal movement on the state road or local road, the potential exists to stack in excess of twenty-five vehicles circulating around this site. If you look at the drive-through and means to enter into the drive-through, we have a drive aisle along the entire front side of the building before entering into the drive-through. If people elect to enter the drive-through from this direction once again, we have three, three hundred and fifty feet of driveway out there to stack vehicles, also coming in off of Cedar Street, so there are multiple venues to stack vehicles here, in addition to the stacking that is associated with the drive-through lane itself. The nature of this was done to slow down vehicles, we do have pedestrian traffic proposed in this area, access directly from the hotel over to the Starbucks and the bank with sidewalks and for that reason we have made the path somewhat circuitous to slow vehicles down as they circulate through the site.

The bank facility over here has a two lane drive through and it's set up to stack approximately six vehicles before it enters out into the drive aisles on the site. Once again similar to the drive-through for the restaurant, if you look at the stacking capacity of the drive aisles, the bank would not use this drive aisle here, but it would be using this drive aisle and the long drive aisle across

the front of the hotel, tremendous stacking capacity, more than would be required by either the bank or the Starbucks drive-through happening at the same time.

Commissioner Pane: Once again, the question is how many vehicles will it take before you hit the sidewalk there. I don't think that we can have vehicles stacking out into the parking area because it is going to interrupt the inter-traffic flow of the parking site. The whole object is to have a queue line that is not going to interrupt with the parking, the travel and the parking inside the site. So I would like to know how many vehicles it would take before you hit the sidewalk, and the engineer stated that it was sized for the largest SUV, but he didn't answer the question about possible contractor's trucks coming in there, and whether or not there is a radius for them.

Patrick O'Leary: To answer both of those questions, internally here from the cross walk you can stack four vehicles; with respect to contractor's trucks coming into the site, there is a height restriction moving into the drive-through, a bar that goes across there and limits it to seven feet, so you do not have contractor's trucks, single unit trucks, things of that nature trying to go through this circuitous path here.

Commissioner Pane: Thank you.

Attorney Jacobs: I was going to say Ed, while we have a moment, did you happen to check and see if there were any points on your staff memo that we need to address?

Ed Meehan: I think last time, we knew about the hours of operation, the number of employees, I don't know if that was presented to us.

Attorney Jacobs: I don't think it was, I'm glad since we had Kathy come from out of state, I'm glad that there is a question for her.

Kathy McVane: I'm Kathy McVane, Development Manager for Starbucks Coffee for the New England market. There will be approximately twenty partners, we call our employees partners hired for this store. We usually open the store at the longest hours, so we would open at five a.m. and request to close at eleven p.m. The drive-through hours would be the same as the in-store hours.

Ed Meehan: Are all twenty partners there at once?

Kathy McVane: Oh no, no.....

Ed Meehan: What's the largest shift?

Kathy McVane: Oh, per shift, I'm sorry, usually four or five store partners on per shift.

Ed Meehan: Thank you.

Vice-Chairman Correll: I believe I read recently where Starbucks had cancelled the opening of three hundred some stores, would that have any affect on this one?

Kathy McVane: I wouldn't say we are canceling three hundred fifty stores, Starbucks as a company had planned to open over a thousand stores this year, which is a huge amount of stores. In New England I handle the real estate in Connecticut, we're still moving forward on many stores. We have every intention of moving forward on this store, it's all in the matrix of what we are moving forward, strategy.

Vice-Chairman Correll: Any other questions? Anybody from the public like to speak in favor of this application? Anybody like to speak in opposition? Anybody who would like to speak? Ed?

Ed Meehan: I'm all set with the information that I need. You can see if the members want to close it.

Commissioner Fox: Move that we close the hearing.

Commissioner Pane: Second that.

The vote was unanimously in favor of the motion, with five voting YES.

**C. PETITION 01-08 Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 6.4 Removal of Earth Products and processing on-site. B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill, CT 06067.**

Attorney Alter: Good evening, for the record my name is Peter Alter. I'm an attorney, I practice law in Glastonbury and I'm here tonight representing Peter D'Addeo who is also present, who is the applicant for property that is situated as shown on the plan that we have put up on the board. This is property that is immediately north of the Wendy's on the northbound side of the Berlin Turnpike, which was the subject of previous hearings that we had recently with respect to seeking approval for a coffee shop as shown on the plans that we put up on the board. The application that is before you tonight is obviously separate and distinct from those applications for which the hearings have been closed although no decision has been made by the Commission. The application tonight is for a Special Exception to allow Mr. D'Addeo to process material on site rather than remove it. To refresh everyone's recollection if I can, and I'm sure you are all very familiar with this site, it's surrounded on at least two sides by a high wall of stone and was previously excavated as part of an approved development for an office building which was never actually constructed. As part of that enterprise, material, some material was excavated in the area closest to the Wendy's property as shown on the plan, in the area here which would be the southwesterly portion of the property, in order to construct an access way into the back which is why that was graded out like that. In accordance with the development plan that Mr. D'Addeo has for the site to construct a coffee shop here, it calls for the excavation of up to a maximum of 3700 cubic yards of material, principally in this area where there is a rise and a knoll that needs to be taken down as well as a quantity of material that was previously blasted and then graded into that little access roadway, into the back of the property. So we have 3700 cubic yards of material to be leveled off and disposed of. Our proposal and our request to the Commission tonight is to seek permission to process that material on site because most of it will be used on site to re-grade the property. The Commission may recall that our plan calls for us to substantially re-contour the area in the rear of the development envelope of the site in order to re-grade the area up to those high walls of material. That plan included pushing over a large pile of overburden which is shown on the plan here and then utilizing the crushed material as base both along the base of that wall as well as in areas of the site that require filling. We have done some estimates, and as I know the Commission is aware, once you disturb stone or blasted material, it tends to expand a little bit because it is not as dense as it was before it was disturbed. Our estimates by our land surveyor and engineers are that we will need about 3200 yards of material for fill, on the site and once the 3700 yards as a maximum is disturbed, it will expand to about 4600 yards of material. So we have a use for a substantial portion of that material on site. If we can process it on site, we can avoid removing it and then bringing back in material to bring the site to grade. We need about 3200 yards of material on site to bring it to grade. Based on the amount of material that a tri-axle truck can carry, that would be about two hundred truck trips in, if we have to bring

material into the site. If we have to truck the material off the site because we can't process it on site then that would be about two hundred and ninety trips to get the blasted material off the site. We have discussed, Mr. D'Addeo has had conversations with the Wendy's property immediately to the southwest of ours, they are aware of our proposal, they have no objection to it, in fact, have agreed to provide Mr. D'Addeo with a water source until he has the opportunity to extend his own water line down from the Pine Hill development as shown on the plan. We are, as some Commissioners may be aware, there had been some crushing done on site, when the site was previously started for development, it wasn't finished. Mr. D'Addeo proposes to use the same type of portable crusher. Here is the, you have one of those?

Ed Meehan: I don't think all the Commission members have one so we will pass them around.

Attorney Alter: Thank you. It's a Kamatsu 550, is the preferred piece of equipment. You'll see from the spec's that this particular machine can process anywhere from a hundred to four hundred and sixty tons of material per hour. Given our rather limited quantities of material to process, about 3700 cubic yards, we believe that it's realistic to think we would process about 800 cubic yards a day when the machine is in place, meaning that it would take us four to six working days to process the material that we need to process on site assuming, in the most conservative case, that we are doing maximum amount of yardage that has been estimated. Obviously we can't count on weather and working conditions, so the four to six working days may very well take a couple weeks to accomplish, given work availability, machine availability, and weather, but we think that within two to three weeks that this operation will be completely concluded without any question and then a substantial portion, anywhere up to ninety percent of the material produced is going to be used on the site, to meet the grades that have been developed by the site planners and engineers. Logistically the material to be removed sits in this area, 3700 cubic yards. After it is disturbed, either by machine or by blasting, it would be stockpiled here with the crusher situated at the base of the, or the foot of this high wall that exists. Once the material is processed, it would be stockpiled here, to be processed on the site, and any excess material would be trucked off the site once the site has been brought up to grade. The location for the crusher has been selected because it is obviously as far back on the site as we can get. On the lower parts of the site we think that the rock face will minimize any disturbance to any adjoining properties by where it is, and because we are going to be able to have a water source readily available from Wendy's, we don't believe that we would have any dust problems during the crushing situation. So we are asking for a Special Exception, really very temporary in nature, only for the purpose of taking material that we have to disturb on the site, assuming that our applications are approved, and this gives us the greatest opportunity to utilize the material on site, minimize truck traffic, coming and going to the site and making the most efficient use of the material that is available. Otherwise we have to take it somewhere else and process it, or dispose of it, rather than make use of it where it can be most beneficial to the site. I'll be happy to answer any questions that the Commission may have or may come up from people in the public.

Vice-Chairman Correll: Commissioners, any questions?

Commissioner Kornichuk: I have one for Ed. When they were before us the previous two times, wasn't this lot supposed to be graded and everything ready to go?

Ed Meehan: Yeah, it was eventually going to be reused for an office, and the final grades were going to be set for that use. It never got to that point.

Commissioner Kornichuk: So if they had gotten to that point, we wouldn't be hearing.....

Ed Meehan: If they had gotten an office tenant to go in there, if the market permitted that, you probably would have an office tenant.

Commissioner Kornichuk: No, but I'm talking about this grading...

Ed Meehan: Oh, this grading? I think, you could be right, because I think the drive-through lane requires that that corner of the site be removed, and with the office use that ramp was going to be left, to get access to the back.

Attorney Alter: I believe that Mr. Meehan is correct, that with the office use, the root didn't have to be pushed back so far into the site. There is still, and Mr. Meehan is also correct that the previous developer did not get the site to it's final grade because he never had an opportunity to finish it with respect to a tenant that presented itself, but we are pushing somewhat back further into the site than the prior plan, so that area that was built up to get access here, is really the part of the site that has to be lowered.

Vice-Chairman Correll: Any questions?

Commissioner Fox: Through the Chair, are you stating that you are going to be removing a possible 3700 yards which of course when you break it up is going to become something like, 4600 you said?

Attorney Alter: Right.

Commissioner Fox: But you are only going to need 3200, so how many trips do you expect to remove the excess.

Attorney Alter: If those numbers are completely accurate, and we've taken obviously the conservative numbers on both sides. We have maximized the amount that we have to remove, and minimized the amount we have to use, so you have the worst case scenario because I've been doing this long enough to know if I do it the other way somebody on the Commission will do the math, and tell me that's wrong, so we do it the other way. We take the most conservative approach we can and we're left with something like 1400 cubic yards, those tri-axle trucks take about sixteen cubic yards to a trip, so that's less than a hundred, sounds like about eighty trips to get it all off site.

Commissioner Fox: And you will be using the turnpike route?

Attorney Alter: Right, come out and go north onto the Berlin Turnpike. Unless there was a site in Newington that needed stone, but at this moment we're not proposing that.

Commissioner Fox: Thank you.

Attorney Alter: You're welcome.

Vice-Chairman Correll: Any other questions from the Commissioners. Anybody from the public wishing to speak in favor of this petition? Come up front, state you name and address.

Newell Stamm, 102 Halleran Drive: I'm in favor of this application, especially since we have been jumping around with different things and now we have a ready user and we would like to get this started in early spring so we get this eyesore off the pike and we can all be proud of it. That's about it. Any questions? Thank you.



Vice-Chairman Correll: Anyone else who would like to speak in favor of this petition? Anybody else who would like to speak in opposition? Anybody who would like to speak?

Commissioner Pane: Mr. Chairman, I move that we close Petition 01-08.

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion with five voting YES.

**III. PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

**IV. MINUTES**

January 23, 2008.

Commissioner Fox moved to accept the minutes of the January 23, 2008 regular meeting. The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion with five voting YES.

**V. COMMUNICATIONS AND REPORTS**

**A. 8-24 Referral Report to Town Council – Strawberry Lane Street Acceptance.**

Ed Meehan: The next item is a referral from the Town Council. It's for the acceptance of Strawberry Lane which is a subdivision street located just south of the intersection of Willard and New Britain Avenue, it's a small, six lots on Strawberry Lane, the other lots have frontage on New Britain Avenue. The developer has petitioned the town to accept the street for public use, and the procedure set forth in the sub-division regulations and state statutes, 8-24 referral requires that the Commission render a report back to the Council which the Council will take into consideration during its public hearing on this, and there is a draft, a suggested draft motion which outlines the criteria which the Commission normally reports to the Town Council. I would point out that there is one unusual item with this particular development and it's item 5 of the suggested draft motion. I should explain that to you. I don't normally see this. Apparently a contractor for the developer has attached a lien to the bond. The town has a \$14,000 performance bond to ensure completion of the road and the drainage basin there, and apparently from what I can see and in talking with the Town Attorney also on this, the contractor, Sanford and Hawley were not completely paid, so they have attached the bond, which is actually owned by the Town. So Attorney Ancona is going to endeavor to get that lien released, but he wants us to make sure that we call it to the Town Council's attention. Other than that, it's a straight forward.....

Commissioner Pane: Should this probably not be acted on until that's taken care of?

Ed Meehan: Well, the next steps on this would be to go to the Town Council and just not accept the road, hold the road and obviously don't release the bond until the Town Attorney advises.

Commissioner Pane: Would we make that recommendation?

Ed Meehan: That would be your recommendation to the Town Council. I don't think I have ever seen that type of attachment, normally it's to real property, not to a bond, so Mr. Ancona was going to research that and get us an answer.

Vice-Chairman Correll: Any further questions of Ed? What is your pleasure?

Ed Meehan: The Council is looking for a report back, so if you don't give them a report in thirty days it's automatically taken as approved, that you don't find any problems. I would take this opportunity to report these issues and make sure that they have in their records what is going to be needed by the Town, the Town Manager and the Town Engineer to accept this road.

Commissioner Fox: Why don't we read the motion and second it, and then I guess we can give Ed some instructions on talking about accepting the road, but not releasing the bond.

**8-24 Referral Report to Town Council**  
**Strawberry Lane Acceptance**

Commissioner Kornichuk moved that the Town Plan and Zoning Commission notify the Town Council that Strawberry Lane can be accepted as a public street upon the developer's completion of the following subdivision requirements:

1. Corrections of any defects as determined by the Town Engineer.
2. Submission of two sets of "As Built" street plans and profile mylars for recording and certification of merestone placement.
3. Warranty deed for roadway extension and drainage easement if applicable.
4. Maintenance Bond, amount to be determined by Town Manager, for one (1) year from date of acceptance.
5. That the attachment issued by Sanford & Hawley, Incorporated against the \$14,000 subdivision performance bond posted with the Town of Newington by the developer DiMatteo Construction is released to the satisfaction of the Town Attorney

The motion was seconded by Commissioner Fox.

Commissioner Pane: Mr. Chairman, wouldn't the Town Engineer set the maintenance bond instead of the Town Manager for the amount, as he feels, the Town Engineer, is enough.

Ed Meehan: Well, actually he does. He makes a recommendation to the Town Manager, that's the protocol. The regulations, your zoning regulations say that the Town Manager sets the bond, but the technical numbers are developed by the Town Engineer.

Commissioner Pane: Thank you.

The vote was unanimously in favor of the motion, with five voting YES.

**VI. NEW BUSINESS**

- A. **PETITION 58-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan approval for development of 1,600 sq. ft. restaurant and 3,600 sq. ft. bank, PD District (Proposed.) Continued from January 9, 2008.**

Attorney Jacobs: Again, Leonard Jacobs, and this is another application that we really spent a lot of time on last time, so I'm just going to be very brief on this. This is the site plan for the Starbucks, you've seen this building, Starbucks, and the bank building. We had a discussion about the queuing and that, so we don't have to go over that again, we have, as you see the mutual drives and all the shared utilities and all of the information that we provided last time, we

went over all of that, we went over the appearance of the building, I think we covered everything. The one thing that I do want to get on the record though, I did say at the last hearing, but I want to say it again just to be safe, when we submitted the application and we talked about 1600 sq. ft. as I explained to the Commission last time, that's the square footage that we used to come up with the parking. The actual building itself is 1800 square feet, slightly bigger, but we were using the number because we were trying to explain the parking, the number of parking spaces and that type of thing, so I do want to just clarify as I did last time, that the building actually from wall to wall is 1800 square feet for the Starbucks and with the bank building the total is 5400 square feet. This is not a public hearing, I know that, so we're just basically talking among ourselves but I don't really have anything else to say to you. We do have Pat O'Leary our engineer, we do have Kathy McVane who spoke also on the Special Permit. The difference between that application and this one is because this is a site plan you're looking at the layout, the fact that you know there is going to be a bank there along with the Starbucks. I think Patrick answered the question about the drive-through, of the stacking with regard to the bank, although that would really come up with this application, I'm not going to repeat that unless the Commission wants us to repeat that and basically will answer any questions that you might have.

Vice-Chairman Correll: Commissioners, any questions?

Commissioner Pane: Could we get a staff report first?

Ed Meehan: Okay, the staff report that we discussed on January 9<sup>th</sup>, pointed out a couple of concerns and issues and this is a good time to put them on the table. The big issue with this property, not just for the Starbucks and restaurant and also with the hotel, is the traffic associated with in and out of the site on Fenn Road. When the Commission last saw this and discussed it, there were efforts being made by the developer and in some part the town to have discussions with the Department of Transportation about a better location for the site driveway on Fenn Road. What has been presented to you is a right in and right out. There were discussions initiated with the Department of Transportation about having traffic control out there, and a land swap between the developer Mr. Hayes and his partners and ConnDot so that the busway driveway could be in the center of the site, along with access to National Welding. Unfortunately that has not gone as fast as the applicant would like, somewhat frustrating for the town staff also because I thought that we were moving in a direction where we could address some of the traffic issues on Fenn Road to the satisfaction of this developer as well as what the town has talked about in the Fuss and O'Neil study, and the Town Council recently endorsed last fall for traffic improvements in this neighborhood. So what you have in front of you is the original site plan which you are basically obligated to act on this site plan as it is being presented to you. There may be an opportunity if things change, you know, in a month, two months or maybe even longer they come back to the developer and say, we're willing to relocate the driveway with a traffic signal in the center of the site. At that point I think the applicant would have to come back to the Commission for a site plan modification. This traffic is going to be an issue, because it does make for a circuitous route for left turns into the site. People wishing to go to this hotel and to the restaurant and to the bank coming south on Fenn Road have to know their way through the Stop and Shop Plaza or if they miss that, go all the way around the corner and I don't know if the Department of Transportation is going to let a turn going east on Fenn and hook a left into this site. Looks like that is supposed to be a right in and right out, so really the only left turns I think into this site are going to be off of Fenn Road, through Stop and Shop Plaza which is going to be difficult for some customers but there is a lot of traffic on Fenn Road going north, so right in and right out may be adequate for this developer's needs. So I think the perimeter of the site as far as traffic, that's the standing right now. I wish we were further along with that. Internally the traffic has been looked at by staff, it's being controlled by cross easements. All the travel ways are adequately wide enough to accommodate traffic, the fire marshal has looked at this, and is satisfied with the location of the fire hydrants. It has been granted an Inland Wetlands Permit already, there is a little fringe of

wetlands down in the northeast corner of this site. The item is still under New Business because we thought we would have additional time to get into some of the more details of this site plan, fine tuning construction standards that the Town Engineer likes to look at and we like to look at everything from light standard designs to dumpster locations and so forth, and we weren't going to go into that detail until we thought we had a plan that reflected more of a center driveway here, so I don't have all those comments to share with you tonight. I can say that the Town Engineer has looked at the drainage and is satisfied with the drainage on this site. That's not going to change too much no matter what happens with the driveway location, so that's pretty much where we are right now with this property.

Attorney Jacobs: I think that is, Ed's recitation of the dealings with the State of Connecticut are accurate. Ed is right, number one, this is the application in front of you that you have to consider. Ed is also right that the, you know, you all hear stories about dealing with the State, and in this case the applicant initiated the conversations, the applicant tried, we have gone to meetings, Ed has been at them, we offered them free land, they wouldn't need to pay for takings, but you reach a point where, when people cancel meetings with you, and don't get back to you, it's pointless. So we are pursuing this application as written, as submitted. We do think there is enough traffic at the site to handle the right turn in, right turn out, if those are the people who choose to come into the site. We do have the left entrance down at, through the Stop and Shop, and as the representative of the hotel will tell you, because of their system with reservations, and how they work, he's satisfied with that, the Starbucks people are satisfied with that, and you know, it's not the developer in this instance, but you know, we can't do much more, and Rich, who has been fighting that battle can provide a little more information about it.

Richard Hayes: You know I'm always advocating, telling my professionals, don't talk too much, and here I am, breaking my own rule, but, for the record, my name is Richard Hayes and I am a partner in Hayes Kaufman Developers, one of the principals of this project. Essentially I have gotten to the point where I have become as frustrated as I think I possibly can be and it's unfortunate because I recognized that I have to offer the State something in order, as an inducement in order to get them to react in a timely fashion. I've spent six months with them on this, in different sets of conversations and at one meeting, we had twenty-seven people. So there are five different pieces of the puzzle with this state. There's the busway people, the planning people, the rights of way people, there's the STC and then there are the state engineers. To get all those people, of the twenty-seven of them, the state people, there were three, Ed and I and my partner and I think Lenny was there, so we went through, and in all candor, we had probably seventy percent of them on board with what we were proposing, but it's that last thirty percent that can't seem, or appear to be unable to make up their mind what they want to do out here. We all recognize it is what it is, as far as traffic is concerned. There is no denying that obviously you have plenty of studies on the record. Here's what I will tell you that I will do, if in fact, I can't wait any longer because obviously every day that I wait it costs me money down here, but the fact of the matter is, and I think I have been as patient as I can be, but if in fact the state decides, if you folks hopefully decide to approve this, that they will, if that becomes an incentive to them, to line up and hopefully make the right decision out here, I will tell you that I will come back with an amended application provided that it doesn't hold up my construction period. I expect, you know, we have ninety days to complete that. That's my expectation at this point. Essentially everything shifts over approximately seventy feet, and that is what happens. The detention pond shifts seventy feet, the driveway shifts seventy feet, and we end up with some more green space between the site drive, and this building here. So, it is, in my opinion a better plan, however you know sometimes you just can do what you can do and unfortunately this is one of those situations. I appreciate your attention.

Ed Meehan: This is an important site to the town, because of the traffic issues and the opportunity to do something with the traffic over here. It's a very high traffic volume area as all the Commission members know. It's an economic opportunity because of the characteristics of this gateway site and long range it's an opportunity for the town hopefully to do something with the abandoned National Welding property. The plan that had been discussed was to have access to that property through a traffic signal on Fenn Road.

The site plan in front of you now doesn't provide for any access through the developer's property. The only access would be afforded the town to National Welding would be in conjunction with the seventy foot access way that the busway is supposed to construct. The preliminary plans that we have seen for that are, because of the grade are somewhat difficult.

The other project that doesn't affect this developer, but will affect the town, well, it could affect this developer too are plans to widen the bridge on Cedar Street, which will go over the busway, which I think will preclude access from Cedar Street down to National Welding, if they push that deck farther north. It's very difficult, it's difficult access now, so if we had a good development prospect on our property that would compliment what is being done here, the only way to get to this site is through this property, or through the busway. So selfishly, I guess what I'm trying to do is not get the town in a box, get us in a corner, so I would hope that the developer could return in the future with a plan that works for us as well as them, and the state. I don't know how we force ConnDot to come to the table. Certainly we can, I just found out about this, this afternoon, I relayed this to the Town Manager, and I see a couple of Council liaisons in the audience, I know that we talked about this site at their retreat, and I think the policy makers need to know the impacts of this site on traffic and on development opportunities.

Attorney Jacobs: Your statement, and it is equally fair to say that on our side, we and Ed Meehan, your Planner have been in meetings trying to get this issue resolved and Ed has voiced those same sentiments to that, to the group, we've expressed the sentiment that we agree and we would like to cooperate, and we think, but having said all that, you know, they say you can't fight City Hall, well of course we wouldn't say City Hall in this case, because you are the City, but we can't fight State Hall and at some point a developer can't be held hostage by the State of Connecticut's unwillingness to cooperate, and that is where we find ourselves.

Vice-Chairman Correll: Commissioners?

Commissioner Pane: Mr. Chairman, I'd like to know from the Town Planner if at that meeting between the two properties, the one that was, the one that is being proposed tonight, and the Stop and Shop Plaza, if they considered using the truck entrance which borders the properties and maybe widening it and maybe having the light moved south to that entrance and having that driveway serve as both properties, and if that was an option and if they explored that.

Ed Meehan: It has not been discussed recently but I believe going back to the environmental impact study that was done before the busway really got going, you know, they got into the plans for the busway, there were concept plans for a traffic signal in that location, by closing the curb cuts, you know, making it one curb cut with that light. That, my impression was that that was going to be an option that was going to be looked at up until maybe a few months ago when it became clear that the traffic engineers who design traffic signals at ConnDot didn't feel that light was going to be workable because it was too close to the existing light in front of Stop and Shop and Stop and Shop tells their developer and developer tells ConnDot that they can't move the light in front of Stop and Shop. You can't have the light two hundred feet apart, three hundred feet apart, and that is why this other option.....

Commissioner Pane: Why couldn't that light be moved?

Ed Meehan: Well, first the whole traffic pattern in and out of Stop and Shop which the main drive, you have the main parking on the north side in front of the doors, in front of Stop and Shop, you would have people going in and out without a light control. So all your visitors to Stop and Shop would come in.....

Commissioner Pane: You would have to rework that site a little bit.

Ed Meehan: Yeah, so that would have to be done.....

Commissioner Fox: Then that would have to become a right in and right out.

Commissioner Pane: Yeah, it would be a right in and right out, and then you would have to rework the site a little bit.

Ed Meehan: And so all the heavy volume of trips in and out of the site are to Stop and Shop, they come in the south driveway, have to go through the front of the buildings, all the in-line stores to get to the front of Stop and Shop. The other thing is, that traffic signal and the adjacent gas station, even now with traffic control and left turn lanes controlled by a signal, there is a very high accident count in that area, approximately from the gas station up to Holly Drive where a gas station patron pulls out, they want to take a left to go south, someone lets them out, but the next guy, the inside lane, and ConnDot has looked at that, and they came to the Town Manager and myself before the Christmas holidays and asked about alternatives. They even talked about a median out there, which we don't think would work. So, taking the light away from the Stop and Shop I don't think is going to solve the traffic problems. I think you have to introduce another light, mid-point on Fenn Road.

Commissioner Fox: Okay, then that leads me to a question that I had. So, if ConnDot ever gets, shall I say off their, you know, gets up from their seat and has a meeting, you are talking about moving the entrance way, the Fenn Road entrance way to this project about seventy feet north, and that entrance way would be incorporated with the busway which would go by National Welding to the busway and that would be a lighted section?

Patrick O'Leary: Once again, Patrick O'Leary. The entrance that you see right here, is in very close approximation to what would be optimum for a traffic light out there. It may move twenty feet over here. There have been varying designs discussed, whether it's a boulevard, whether it is a single lane road as shown here, it's turned into a two lane boulevard with a center landscape strip. This is very close to the optimum spot. It gives, you are approaching five hundred feet from the intersection here for the traffic light, five hundred feet from the other traffic light coming over, so this is in very close proximity to, if DOT decides to move ahead with this, and allow a signalized intersection.....

Commissioner Fox: That's what I was asking....

Patrick O'Leary: This is very close to where it would be. Would it need some modification, yes. On the back side over here, if it was to continue through to the busway, eliminating this as the busway access over here, this road would be a little bit skewed, on an angle to come across and dive into here quicker. All of the accommodations have been made in this site plan to accommodate that in the future, so it's a relatively simple change. This access point over here is for truck traffic and so that would be unimpacted, there would be no access point here where it says, proposed future access way, because the traffic would come into the site through the signalized access to this site. It could come into the busway, from that location and it could also access the National Welding site in that location. So this plan, as shown today, if you were to

approve it, would be reflective of the plan in the event all parties involved, DOT, municipality and the developer can work together to accommodate the access through here.

Commissioner Fox: And so the distances between the light at the corner of Cedar and Fenn, and this new light, and the light at the Stop and Shop main entrance would all meet the requirements, would meet the distance requirements.

Attorney Jacobs: That is correct, and that is what we explained to the state, 589 from the light at Cedar and Fenn to the proposed light, 682 from the proposed light to the Stop and Shop light.

Commissioner Fox: Thank you.

Patrick O'Leary: Very close to optimum like I said, ten, twenty feet depending on how you construct the access way.

Attorney Jacobs: And that, as I said, that was all explained to them from the beginning by our side. Advantage to them, advantage to everyone, but as I said, what are you supposed to do at some point, six months go by, no answer and no idea when you are going to get an answer.

Richard Hayes: You know, in fairness to us, and I just want to add this one shining point to the record, and this is in response to Mr. Pane's question, relevant to the location. One signal for all these properties being contemplated isn't enough and Mr. O'Leary will testify to this because he has the engineering degree, not me, to handle all the traffic that will come out of all those projects. So, there was a company called Wilbur Smith, out of New Haven that did a study, and I followed the study very, very closely when the busway was being proposed. They did a study for the State of Connecticut, the company was Wilbur Smith, they subcontracted it, and they were doing it for the busway. It contemplated where the access was going to be. That's why, essentially this taking took place in this fashion, because they had always contemplated a signal, if you will, on this seventy foot swath, right here. Unfortunately, either we have a case of convenient memory, or everybody has Alzheimer's, I don't know which it is, but the fact of the matter is, that nobody seems to remember that. Now I had a copy of the study, and I still do, in my file, because in the due diligence process before buying this piece of property, we wanted to make sure that we understood that there was going to be access, and as a matter of fact, before the state took the property, we got easements to cross over the property, so we could connect the Stop and Shop to this parcel because we thought that this interconnection was important, so before the state took it, we put those easements in place. The state subsequently took the property, condemned our easements. When Lenny questioned them about it, they all of a sudden thought that they didn't need to condemn our easements and they gave them back to us, so today we have rights across the parcel, there's no question that they had made representation, Wilbur Smith, that there would be another signal there, and that's what we had kind of banked on, moving this project forward from an access standpoint. However, here we are.

Commissioner Pane: Now who owns that right of way there?

Richard Hayes; State of Connecticut. They took it, they condemned it about nine months ago.

Commissioner Pane: That's very close to that other light though.

Richard Hayes: There's no question, 350 maybe, Pat, 300 feet?

Attorney Jacobs: That's the whole point, that's why we went to them, and pointed that out to them, that's why Ed, had heard all the discussions, and that was very much why we said to them,

look, we have a better, another alternative. But as I said, no answer, no idea when there will be an answer and no guarantee of what the answer will be when they do decide to answer.

Vice-Chairman Correll: Any other questions.

Ed Meehan: Just as a footnote, you have closed hearings on the zone change, and on the special exception for the Starbucks, so now you have sixty-five days to act on that zone change and sixty-five days to act on the special exception for the Starbucks, which means that within sixty-five days you need to act on the site plans also. That's the time left.

Commissioner Pane: Mr. Chairman, one other small thing. There is a, behind the bank, the proposed bank there is a trash enclosure. Is, do you think, maybe the Town Planner would be able to find a better site for that, because there is going to be a front to both sides of that and I have to wonder if a trash container right there by the entrance to the bank is the best spot, and I don't know whether or not a, that type of vehicle is going to be able to get in there or not.

Attorney Jacobs: That came up the last time, why don't we review that for you again, Pat, remember the question that he is asking, is the dumpster behind the bank building and the ability to get in and out of there and service the dumpster.

Patrick O'Leary: The doors that you see back here are emergency access doors and operational doors for actually getting out of the backside.

Commissioner Pane: You won't be able to enter the bank through there?

Patrick O'Leary: The entrance to the bank is....

Commissioner Pane: So you are going to make everybody walk around the front of the building, just to enter the bank.

Patrick O'Leary: Well this parking here would typically be used for employee parking, if we look at.....

Commissioner Pane: Yeah, but if somebody comes over from the hotel, or if somebody comes over from somewhere else, the retail center....

Patrick O'Leary: It's very difficult to speak to the operations, because we don't have a bank footprint, but typically most banks will, that you think of, will have you enter into one door for security purposes which we are anticipating will be there. The operation side of this, the back side, the dumpster can be turned, we can certainly relocate the dumpster, at one point in the design phase we had it over here, it's moved around a few times. We're trying to place it in the most innocuous place so that it would be shielded, usually people don't want to see the dumpsters out in the landscaping, or drive aisles. Very flexible, the location where we put that, so if there is a recommendation from the Commission, we are more than happy to adhere to it, what people think is going to work best for the community, nobody is glued to this location.

Attorney Jacobs: But the entrance to the bank will be from the front where the parking is. We can't have two entrances to a bank for safety.

Commissioner Pane: Well, with all due respect Mr. Chairman, I know several banks that have several entrance ways, and it's safe. With this type of bank, and the restaurant, having a front and a back, I would just say that I would like to see some sort of entrance that would be pedestrian friendly from both sides of the building, if they could look into that.



Richard Hayes: We absolutely concur with Mr. Pane's opinion, and impressed that upon the bank that we are dealing with, and for whatever reason, and they claim it's security, and I'm not in a position to argue with them, they told us that they are only looking, I have a letter of intent from a banking institution, that tells us today that they are only looking for one entrance, and they want it to be in the front of the building, so I can appreciate what he is saying because I look at the, I do business in the center of town with the Bank of America and they have two entrances and it seems to work fine, but they're not agreeing with me.

Ed Meehan: The solution to this might be look at some sort of architectural treatment to make the dumpster enclosure sort of a wing wall to the building, same type of texture, material with a solid gate. They don't normally generate a lot of waste, they shred most of their material. I think Starbucks would be associated with that dumpster, be part of it.

Attorney Jacobs: Yeah, I think a suggestion like that, architecturally I'm sure we would be able to accommodate you.

Ed Meehan: I don't think that the customer's going to Starbucks want to look over at an exposed dumpster there either, so we can work with you on that.

Vice-Chairman Correll: Any other questions?

Commissioner Pane: One other question Mr. Chairman, through, the question for the Town Planner, when the gas station was proposed and when it was approved on the corner property there, just an entrance in was approved because of the dangerous Cedar Street. Should this Commission look into similar things since this driveway is abutting that area, and I would ask the Town Planner to see if this property should have just a right in, and not a right out at that area.

Ed Meehan: You are correct, the right in at the gas station was limited to that, because it is so close to the traffic signal with right outs, people trying to get over one or two lanes to go west, we're back to that same accident situation where someone lets you go over then someone cuts in on you. We can look at that, certainly the Department of Transportation, they are the ones that make the final call, it's their road.

Commissioner Pane: I think also Mr. Chairman, I think when we approved the gas station some years ago, I think we asked the owner of the property to work along with the abutting property for future development, possibly making the entrances and everything travel within all of the development so that if somebody from the gas station wanted to go over to the Starbucks, they wouldn't have to go out onto Fenn Road and then come back into the property. I would like to see if maybe the owner of the gas station and the owner of this development would be able to work together to get something like that accomplished.

Richard Hayes: I think I had better address that. I can assure you that that will never happen. I have no interest in dealing with the owner of that gas station. He has been nothing but unkind to me so we won't be entertaining any interconnections between this property and that property. I appreciate the comment, but it's not going to happen.

Commissioner Pane: Well, Mr. Chairman, I would just state for the record that this Commission usually looks at having that completed for some tricky developments so that traffic out onto the roads is reduced. It's too bad that the two property owners cannot work together, maybe something can be done with the Town Planner.

Vice-Chairman Correll: Can you look into that, Ed?

Ed Meehan: I had that discussion with both property owners, I don't think it's going to happen, but I'll keep looking at it.

Commissioner Pane: The other question is Mr. Chairman, the Mobil gas station was approved with sidewalks on Fenn Road some years ago, and no side walks for the Stop and Shop Plaza and then I recommended sidewalks for the gas station, and do we have, or are we proposing any sidewalks for this development, and I would ask the Town Planner whether or not sidewalks should be put in to go all the way up to the Mobil gas station so that we have some continuous sidewalk for pedestrians coming from Central, a safe place for them to walk.

Ed Meehan: We had talked about sidewalks and it was discussed during the design of the busway that the CCROG consultants worked on, and they had sidewalks on the west side of Fenn Road. They had a location where people coming out of the busway could cross, get over to the west side and go up to Central that way. The committee that worked on that, the municipal advisory committee, had serious reservations about encouraging any pedestrian use in that intersection. It's still in the CCROG plan, but to have people cross Cedar and Fenn or even to cross Fenn, almost six lanes of traffic, it was not something that the committee strongly supported, but that is where they were going to place them, on the west side, and closer to the busway driveway where that ends up, to get away from the intersection of Cedar and Fenn.

Commissioner Pane: Thank you.

Vice-Chairman Correll: Any other comments? Thank you.

**B. PETITION 61-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan approval for development of 124 room hotel, PD District. (Proposed.) Continued from January 9, 2008.**

Attorney Jacobs: I lost my group, which wouldn't be critical except for the fact that the one person who is not in the room is the one who is going to discuss the architecture, but I will at least take a minute to start. The site plan for the hotel, again has been discussed with you, the only issue we couldn't discuss with you was the architecture of the hotel and the reason for that was that Bob Smith who is the representative of Value Place Hotel Company, and is their Director of Development Services wasn't able to make it up from Florida for the last meeting, but Bob is here tonight so we are going to talk about the architecture of the hotel. I'm going to return this memo to Ed, but I wanted to touch on, Ed raises ten points about the appearance of the hotel, and I just want to say that the tenth point deals with signage. We're not requesting signage tonight. So the signage comment will come up at another time when we actually come back to you and propose signage and the other, the other point about the roof, we have a different suggestion on the roof, so as you are looking at the memo from Ed, we agree with, and Bob will go over this, we agree with comments one through seven, and nine. We, ten, the signage comment will come back on another time, and Bob will describe what we are suggesting for the roof, which I don't know whether, what Ed's feelings are about that at the moment. I know that there has been a lot of on-going discussions and I know that Bob has come up one time and met with Ed, I think within the last couple of weeks, so I'll ask Bob to present the hotel to you, and then we can talk about it.

Ed Meehan: I'm going to make a quick, I don't think the Commission members have this, it goes back to January, I'll make copies.

Bob Smith: While we are waiting, I'm going to pass out some materials so we can have a close up of materials and exhibits that we have.

Bob Smith: Good evening Commission members, my name is Bob Smith, I'm from Liberty Investments, I'm the Director of Development Services, address is 2200 Lucien Way, Maitland Florida, suburb of Orlando, Florida. Before you this evening, I'd like to discuss three different points, first about the franchisor, Value Place Hotels, us, the franchisee, Liberty Investments, discuss the architecture, the building façade images, and then a little bit about our operations to help you to understand where we are coming from.

First off, in earlier discussions, I just want to take and bring up the site plan again for orientation, the hotel is located in this area, the driveway coming in here, our front door would be located in this area, back door, and in-doors. We have internal corridors in the building, throughout the building on all four floors. The site orientation has full circulation around the building. We at Liberty are the franchisee. We have purchased 120 trade areas from Value Place Corporate. It's a new concept. This is an extended stay concept, minimum of a week at a time. This is not a daily hotel, this is a extended stay, week by week hotel. We have worked closely with Value Place, they have a corporate image that they want to uphold, we'll discuss that in a moment. They will allow some modifications to the façade. I've had a meeting a couple of weeks ago with Mr. Meehan, we've discussed some different materials, some different colors, modified those colors and we will bring those before you this evening.

Value Place Corporate is a new concept, Jack DeVorr is the brainchild of Candlewood, of Summerfeld, and now the Value Place is a extended stay, as I said, the building has no pools, no restaurants, no exercise room, it's basic hotel. We found that most folks that use our hotels don't use the exercise rooms, don't use the pool, it looks nice, but they don't ever use it. That drives the cost up. Value Place is very conscious of our users and I'll explain that towards the end. Architecture, moving towards the architecture, front door, ends and rear, typically, and I have some samples here that I can pass out for you, once we talk about this. Typically, our building is all elapsed siding, a hardy board, hardy plank type siding and I can pass these around so that you can have an idea of what I'm talking about. Hardy plank is a very durable product that typically we will run the entire building from end to end, top to bottom. In this particular case we do have the opportunity to modify the materials. The packet that you have before you identifies a product called Nichiha. The front cover is simply for illustration of different applications, that is not part of the building. That is strictly application of images. If you look through, you will be able to see how the different images are used in different applications, a mix of the hardy plank, of the hardy, of the Nichiha as well as glass and materials. Some of the other images that you will see in the packet that I have for you is a reduced building elevations and three dimensional. It's a brick type product as you can see, this is the particular color that we have, that we are using now at the suggestion of Mr. Meehan. It is also a lower water mark type cinder block and I do have that product, I'll show you, and another application, in this particular case we are looking at the gray cinder block which would be this type of product. There is another color of the cinder block which is a brown type product, which we would use with a different color brick. And finally, the last one, you wonder, how is this applied? How do we stick this on the building? This is a masonry product, rather heavy. First off, the red color that you see here is what we typically use, it's a red buff color. If we do a replacement of the hardy plank, this is the color that we would use, if in fact this was the color that was chosen we would use a water mark type cinderblock with this color with it. With the discussion that we had with Mr. Meehan, we had looked at some different color alternatives. The brick that was suggested is this type product, this type color, and you are probably wondering why I have panels that look like this. This is a, the Nichiha product is a cementuous fiber material, a fifty year warranty on this product, and I'm not selling it, I'm, we just use it because it works well, it's a tongue and groove type lapse so that it will fit in, so it becomes waterproof. It's eighteen inches high, by six feet long. It's attached to the building with a clip type product, rather than an epoxy type product. We've found, with the freeze, thaw type buildings, with the Tyvek that the veneer type epoxy applied peels off, it will chip off, the material doesn't stand up well. This type of material we also use in Florida for hurricane wind loading. This will load up to 150 mile per hour, excuse me, 130 mile per hour wind loading, so it's a very strong product, it's a very strong way of applying the product.

As you can see the buildings, and this actually is also the same type of building that was used in Millbury, just outside of Worcester, Massachusetts, the top we have continued with the hardy plank, we've put the Nichiha product on three floors, on this bump out through here, on the center where the front is we've brought the Nichiha all the way to the top to identify. That is a special area, that is where the entrance point will be. Dropped these down in contrast, and then dropped the plank down farther so we have a stepped down creating an architectural element of, as we drop off the building coming down a little bit, so it does have that flow to it. The same with the back, we've brought the Nichiha from the third floor and then dropped it to the second floor and then continued with the bump outs, the dormer bump outs all the way to the top of the soffits. The roofing material we want to keep consistent with the neighbors, with the Stop and Shop, with all the other developments that are around, we typically use a three tab asphalt shingle, and that's what we would be asking for here to be consistent in architecture. The water mark along the bottom, to the bottom of the sill, would be this cinderblock type product, with this color. I can leave these samples here for you also, so you have those for your exhibits. The brick again would be this type product. If at any time you have any questions or any comments or anything, don't hesitate to ask. I may be forgetting some things along the way that you may be interested in, that I can comment on.

Shutters, we are looking at shutters on the bump outs, and the same on the back in the middle and on the bump outs, black shutters. The heating and cooling P-TAK units are a panel that would be put on, these have been put on in a platinum, we could put on a bronze color also that would match the brick a little bit better, we can change out those different panels. It's a purchase part panel from Amana, that we can apply different colors to. The, as I said, the entrances, and it's kind of hard to see, because the architect has really put the color just to match, wood doors on the rear there's doors, main door, and a door to the utility room, front door, and end doors. We have corridors that run right down the middle on all floors, internally loaded, other than the external loaded hotels which are less safe, internal corridor loaded is significantly safer for our guests. All four buildings, or all four elevations are sprinkled, wood framed, we will comply with all Connecticut building codes, in fact we are a little bit ahead of the building codes, we're, our standard 124 building actually has a larger elevator which will be used for your future building codes. In some states they have already brought them into effect.

A little bit about the operations of the hotel. As I said, we are an extended stay, week at a time. We have six full time and part time staff, three of which live on site. We have a safety technician and two other staff members. Hours of operation are eight in the morning to six in the evening, Monday through Saturday, Sunday closed. Our primary, our guests generally aren't, don't see the hotel and drive in. Usually our guests are pre-registered, so that they know they are here, they are looking for our building, they're, they have made reservations to stay, thereby, if they do happen to come after hours, they ring up the attendant that is on site, they're pre-registered, they register and then they check in at that time. Most of our business people do come in during the day. Our primary tenants, our guests, a large part of them are nurses. We found that between thirty and forty percent are the traveling contract nurse. Hotels often, or hospitals often have two kinds of employees. They have the contract and the direct employees. A lot of hospitals now have a contract nurse or contract medical staff, a thirteen week contract, that they travel from different parts of the country. In the summer they will be in the north, and in the winter they will be in the south, and we have found that thirty to forty percent of those people, of the nurses, stay in our hotel, or thirty percent of our guests. Other guest mix, we have about fourteen percent that are visitors, vacationers, we have skilled labor, highly skilled labor, the traveling contractor, IT, and the businessman that rather than functioning on an elaborate expense account, they are paying for, they are paying their way. They are a smaller businessman, that has to pay for their hotel or their facilities out of their own pocket, rather than an expense account, and we get a large amount of the businessmen. Sixty-five percent have college educations, we have about eighteen percent that are senior, and the rest are families and businessmen.

At this point, if you have any questions, I'd like to answer. Len, if you have any comments.

Attorney Jacobs: When you said, closed on Sundays, you didn't mean the entire hotel?

Bob Smith: The office, I'm sorry, the office is closed on Sunday. The hotel is obviously open for business year round, 24/7 but the office is closed on Sunday.

Attorney Jacobs: That was a very thorough presentation, but obviously Bob knows the subject and if there is any questions on the hotel, the operation of the hotel, the appearance of the hotel, the materials, anything Bob covered, or anything that he might not have covered but is on your mind, please ask him, because he came a long way and he'd be happy to answer any questions that you might have. We, basically don't have a lot to add to that, a hotel is generally considered to be a very desirable addition to a community, it's good for tax revenue, it's very light on traffic use, and we think this is really nice, and I don't want to cheat on Bob's time, but while we are talking about the site, Patrick said that, and the hotel is also part of the site, Patrick wanted to go back and make a comment more related perhaps to a question that was asked last time about the parking, but we thought we ought to answer it as long as Patrick wanted to say it. But after this comment, as I said, anything on the hotel, appearance, operation, please ask us, Bob wants to answer any questions that you might have.

Patrick O'Leary: As it relates to the cross connectivity between the sites, and it's a good point, we worked hard to get the best pedestrian access throughout the site here between the hotel, the bank, and Starbucks and provide a pedestrian friendly pathway. It's not shown on the plan, and it wasn't thought about, but it could be a suggestion, or possibly incorporated in the condition of approval, to provide pedestrian access over here to the Mobil station, and there is a small store, it's a convenience store, it seems to make perfect sense with the people who are over here, there is parking along this area over here, you know, as opposed to them driving around, you know, walk over to Starbucks, provide an access from the hotel and provide some inter-connectivity and cross connectivity for pedestrian use on the site, which may address in part some of the questions that were raised by one of the Commissioners here.

Attorney Jacobs: With that, I think that we have nothing else to contribute on this subject, so we will turn it back to you, except of course we'll answer questions.

Vice-Chairman Correll: Commissioners? Mr. Smith is here right now, we won't see him again probably.

Attorney Jacobs: Well, it's a long ride up. He did come up a couple weeks ago to meet with Ed, and I'm sure he'll be back, probably many times once the hotel is being built, but it's hard to promise him at a particular meeting, so if there are questions, it would be good if you could ask them.

Commissioner Pane: Mr. Chairman, a couple questions and concerns. Number one, I agree with the Town Planner on the, his point number eight in his staff report. I think something a little bit better than a three tab shingle roof should be on there, and I would also like to see possibly, it's a large roof stand up there, and I'd like to know if they could do some architectural details on there to break it up a little bit. Towards the rear of the building, once again we have the majority of the parking in the rear of the building, we've got a building proposed here that probably should have two entrance ways. One in the front and one, let's say in the rear here, so that when people come in the back here they don't have to walk all the way around this building here, maybe a corridor could be added, maybe a little nicer detail, similar to the one in the front, but maybe not as big should be added to the rear of this building, so that their customers can very conveniently go through this corridor and get to the check in area without having to walk around the outside of this building, especially if it is bad weather out. I'd like to see if something like that could be incorporated into the plan. That's it, at this time. Thank you.

Bob Smith: I'd like to respond to that. From the roof standpoint, our preference, our necessity is the asphalt shingles to be consistent with Stop and Shop, with the bank building, with the Starbucks building and with our corporate standard. This is a franchise, signature, registered building and the materials that we can substitute, the Nichiha product is something that has been admissible to franchise services and they will accept them upon your direction, the asphalt shingles is something that is very difficult for them to accept. That brings us to the roof changes, as I say again, this is a registered building, franchise building, and the only modifications that we can do to it, are the façade materials, in building the bump outs, the roof lines have to remain the same. I don't have flexibility in that. The access doors, I would point out that ties in with operations. We do have access front, ends, and on the corridors and a rear door at this point connecting the corridors that run through. The front entrance is by design, the front entrance. We don't want people to come in the rear entrances unless they are tenants, unless they are guests, registered guests. These are key card access doors, that they remain locked from the outside, so that we don't have people coming in and out of the building that don't belong there. All hotels have that. Older hotels may not, but all current, modern hotels have that security aspect, something that is very important for our operations, for the protection of our guests, for the ultimate pleasure of our guests to know that when they are in our building, they are secure. The interior corridors and to press that point a little bit, all of our interior corridors on all four floors, our main lobby, our office, our laundry room, are monitored by closed circuit television. Our security people at any location where they have access to the internet can access that and watch what is happening in the building, in public corridors. Once again, our guest experience is utmost and important for their security.

Commissioner Pane: Mr. Chairman, with those comments then I would say that maybe the proposed building is improperly set on the blueprints here and maybe that they should adjust it so that there's more parking in the front of the building, because there is not enough parking in the front of the building. All the parking is in the rear, so maybe it should be pushed, let's see, what is it, west, east.....

Bob Smith: One of the reasons that it has been designed in this aspect is there is a wetland restriction, this area back here, you can see additional green, that's not been disturbed at all in this area, because of the wetland. To have drive around and parking on both sides of the building, it has been moved towards the front of the building, have double parking in this location, single, because of that wetland. So we are really pushed, because of site constraints because of the restrictions of the topography, that there is also a drop along the rear of this that gets down into the Welding site, that's quite a bit, considerably, thirty feet lower in this area. We have moved the building up.

Attorney Jacobs: I might also say that parking and convenience of course is, when we start to get into the area of opinion and we all have an opinion on it, but we do have ten spaces, we have six spaces, so we have about twenty spaces in the front, not counting handicapped for people who are driving up to the hotel the first time, but once you are a guest, you're going to park where your room is probably. If your room is on this side, you might park over here, but the ease of coming into the building is the same for anybody who is staying in that building, once they have gone in the first time and registered. So I think that there are enough spaces in front, and then the spaces around really would get anybody where they would need to go. Obviously it's a matter of opinion, but at least in our opinion, we don't want to go further back, we don't want to destroy the green area, we do want everybody to have convenient access but we think that they have found a way to accomplish that.

Vice-Chairman Correll: Comments from Commissioners? Ed?

Ed Meehan: If I may, is the proposed brick that you brought in tonight, is that going to match what Mr. Hayes is proposing, or his architects, VBL, is proposing for Starbucks?

Bob Smith: Pretty close. In fact, we have, Rich did a side by side earlier and unless you put them touching, one of the good things, it isn't touching, they're separated, so unless you have two colors side by side it's often difficult to discern subtle changes in that color, but they are pretty close to Mr. Hayes, and in fact we were actually comparing the cinderblock to that.

Ed Meehan: So we have some uniformity between the buildings on this site?

Bob Smith: Yes. That is the objective.

Ed Meehan: That looks like it is a red brick.

Bob Smith: This is the water table that we are proposing on the building in the front, this is the product here, I don't think you are going to see much difference between the two.

Ed Meehan: That red brick.....

Bob Smith: This is the one that we had discussed earlier, this is the one that, through our discussion we had a couple of weeks ago, you had felt more comfortable with this color, so I had brought this in. If it is the will and pleasure of the Commission to use this color to match this better, certainly we can do that.

Ed Meehan: I think that is what I meant, to match VBL's brick, but maybe use a different mortar, the mortar was different.

Bob Smith: That we don't have a choice on. As you see on the back of the folder sheet, are the different color combinations that are available to Nichiha and this would be the mortar color that would be available with the red brick.

Ed Meehan: I guess the Commission members can talk about that. To follow up on the comment that Domenic made, I agree with him. I think there needs to be some embellishments on the east side of this building. I noticed you gave me a sample which you did up in Millbury Massachusetts, where they had like porticos on both sides, or a resemblance of a portico.....

Bob Smith: We can do that, yes.

Ed Meehan: Because I think that back is so stark, and that is going to be very visible.

Bob Smith: I can put an abbreviated, rather than having it out quite as far as this, drop it in half, and put that portico over the rear, so it would have a similar image. We can do that.

Ed Meehan: I think that....

Bob Smith: In Millbury we did that, and the reason we did that, significantly different in Millbury, we had on the back side, we actually, in Millbury highway 146 came right into the site, and it was really the back side that was facing front, is the reason that was done. The front side of that was actually on the inside, on the back of the site, we had to come up quite a steep slope and get up on top of some ledge in order to get back in there. They actually asked to push that forward to the Millbury exit off 146. With the rear like that, that was the reason for that. On this one, since the rear was the rear, I chose not to put that on there, but if it's the will and pleasure of the Commission I can certainly do that.

Ed Meehan: I think it would help, because the volume of traffic driving west on Cedar Street are going to look into the back of a building that just has a couple of pass doors. I think if you did something in the resemblance of a portico it begins to soften the back and gives it a little bit of style. That's my other comment.

Commissioner Kornichuk: Plus we don't know what we are going to get at National Welding. Whatever you get there, do you want them just looking at the back of that building?

Bob Smith: And that is one of the reasons that we carried the color and the façade all the way around it, if you examine the larger, the front view and the rear view both have a Nichiha product being up a little higher there so it wouldn't seem like a back. It has that product all the way around.

Commissioner Pane: Mr. Chairman, the doorways in the back, are those locked at all times, or how is access made to those?

Bob Smith: Access is to those only by registered guests through a ving key card.

Commissioner Pane: Okay.

Bob Smith: Ving, or other manufacturer, but a key card.

Commissioner Pane: Once again, on the roof, I still think some details need to be done on there, if a standing seam roof can't be done, then, and you need to use asphalt shingles, I would recommend like an architectural shingle. I would also say that we got a lot of browns here, brown roof, everything is brown, I'd like to see a little bit more color in it, and I think that is why the Town Planner was suggesting the green standing seam roof, to get some color. You could also do the asphalt shingles in green, but use an architectural shingle, and then the cost won't be as much as a standing seam metal roof. But I'd like to see something like that with some other details on the roof. Thank you Mr. Chairman.

Bob Smith: There again, if I may address the Commission, the standing seam isn't as prime, that causes difficulty for several reasons. I've used standing seam in gas station facilities that I have had in a past life, and with the snow load, you have a slip of snow that comes down relatively fast, and drops straight down. From a security standpoint, from a liability standpoint, it's frowned against by our insurance company, but also corporate. The type of roof, an asphalt shingled roof is what we use, to change that out to a different color, is contrary to our color palate. We have to stay within a color palate that is complementary, roof and façade materials. A green is really contradictory or contrasting to the point that it would be difficult to get that approved.

Vice-Chairman Correll: Any further comments?

Bob Smith: It did slip my mind, we can, I had absent mindedly skipped over the architectural shingles. We can provide an architectural shingle for this, rather than the three tab. The color would have to be consistent with the color palate that we have, whether lighter or darker but within the general color palate to be complementary, but the architectural shingle can be provided.

Commissioner Pane: Mr. Chairman, the other question that I had was breaking up the roof surface with some details. Any comment on that?



Bob Smith: That we can't do. This building can't be changed, the bump outs, the roof lines, can't be changed. As I said, this is a registered logo building and the consistency of the architecture is inflexible. I can be flexible with the façade and colors.

Ed Meehan: Could you bring the same gable that you have on the front around the back, over the portico? Just bump out the one mid-point?

Bob Smith: Are you speaking of this?

Ed Meehan: Yes.

Bob Smith: Bring it off the back, yes I can do that.

Ed Meehan: Can you put a gable on the roof to break up the roof?

Bob Smith: Oh, bring this up?

Ed Meehan: Yeah.

Bob Smith: That's another bump out that we can't change, it has to stay this way. The front has been identified as the front, using this third bump out all the way up, this bumps out about this far.

Ed Meehan: If you did that on the east side you would have a nice place for your sign, at four stories....

Bob Smith: But that's a change in the building that we can't do. That's an actual bump out of the building. I can add a portico as a separate architectural element, down in here, but I can't add this element in here?

Ed Meehan: Could you do that without bumping it out?

Bob Smith: No, I cannot change that architecture. I most respectfully apologize, but I can't do that.

Commissioner Pane: Mr. Chairman, I'd like to just state for the record that this Commission is well aware that in the past we've seen larger companies change their architectural details for this Commission. I just wanted to state that for the record. Thank you.

Vice-Chairman Correll: Any further comments? Town Planner?

Ed Meehan: No, I'm all set.

Attorney Jacobs: Can I just ask Ed, as far as keeping the material, do you want to keep all of these, we're certainly willing to leave them all.

Ed Meehan: It's up to the Commission members, I think VBL board is a good board, and if that is the red brick, I think the Commission members need to give you guidance on which of the two they prefer.

Attorney Jacobs: We can leave both, I don't mind leaving them. I just didn't want to clutter you up with more than one.

Bob Smith: I'd just as soon leave them with you, rather than having to carry them back to Florida.

They actually asked me to go through security and open up all my bags because they are so dense, it doesn't go through the security, so if I could leave them, that would be great.

Ed Meehan: Okay, we can accommodate that.

Vice-Chairman Correll: Any further questions or comments from Mr. Smith?

**C. PETITION 02-08 418 Willard Avenue Udolf Properties owner and applicant attention Mr. Leonard Udolf, 2475 Albany Avenue, West Hartford, CT 06117, represented by HRP Associates, Inc., 197 Scott Swamp Road, Farmington, CT 06032, attention Frank Sova, PLS, request for site plan modification to construct a 31 space parking lot. PR Planned Residential Zone District.**

Frank Sova: Good evening, my name is Frank Sova, I'm a land surveyor with HRP Associates. Our client, Udolf Properties has an apartment complex on Willard Avenue. He has some what of a shortage of parking so he would like to add another parking lot in between the second to the last row of buildings to the north, and this single family home that he has recently purchased, I have no idea what he plans to do with it, whether he's going to rent it out or....but he wants to put a parking lot in between that house and the apartments. Basically there are thirty-one spaces, with two handicapped spots. The grading is essentially the same as what is there, we are just basically just going to excavate out to the sub-grade and pave it. We are going to have to change the sidewalks around a little bit, but not to a great extent. I have submitted this plan to the state already, they said they won't comment on it until we have approval from you people. But, a very simple project, we're going to put a few new trees around, he's going to light this parking lot similar to what he has on the parking lots further down the street, that's like a small spotlight off of the building. This parking lot here is going to essentially be the same, I think there are three other ones in between the buildings down the street. That is essentially it. I'll be glad to answer any questions that you might have.

Vice-Chairman Correll: Any questions from the Commissioners?

Commissioner Camerota: I for one would like to know what the purpose of the parking lot is, is it because residents don't having enough space or...

Frank Sova: Correct.

Commissioner Camerota: Okay. Because you said something about leasing out, I mean, if it is a plan to put it on the property to lease to other people, I think we ought to know that.

Frank Sova: No, no, he's wanted more parking at this spot for a long time, but he never wanted to do it until he purchased this house. By purchasing that house, it goes him more leeway to do what he wants to do. Actually we are doing some work for him in several other towns, he's doing the same thing, just trying to get more parking for his tenants.

Commissioner Pane: Mr. Chairman, I'd like to know if the Town Planner has looked at this, whether or not does he really need to access Willard Avenue or could he access the parking lot through the existing property that he has so that there is not another road cut? If you could look into that. I don't have a plan of the existing building, but you know.....,

Frank Sova: There is not enough room, going this way, you have a building here, a building here, and a sidewalk in between that connects everything to the parking lot over on this side of the building. There is a parking lot over here that is essentially the same as this one, for this building down here, and you can't get through here because there is a garage that takes up that spot

there, so essentially there is no chance at all to bring this through another parking lot that is already on the property.

Ed Meehan: If that house was to be removed, it's a little cape, isn't it?

Frank Sova: I have no idea what he is going to do with it.

Ed Meehan: That would be, you could eliminate two curb cuts and do one for both parking lots.

Commissioner Pane: It's pretty obvious that he is going to put another building there where the house is, he's going to add the parking lot, let's, come on!

Frank Sova: That I can't tell you.

Commissioner Pane: He's coming in later to do that, I'm sure.

Ed Meehan: Well these go back, I think they were built in the late sixties, early seventies, under a different zoning standard and density pattern. They would need at least eight thousand square feet per unit now, I don't think they can do it, I don't know. But we do have some issues and the Town Engineer wants to meet with you or your civil about the drainage on the site. There is quite a bit of standing water that collects and we need to see some grading information and some drainage information.

Frank Sova: Essentially what is there now and the grade is more to that side now.

Ed Meehan: To that corner, yeah.

Frank Sova: What we are proposing to do is to, this is all going to be curbed, the pavement is going to slope towards the middle to a new double catch basin in the middle of the driveway here and we are going to then remove the existing eight inch pipe that is there and put a twelve inch pipe in, and the calculations say that it will cover a ten year storm I think.

Ed Meehan: What I would suggest is between now and the next meeting I think the Town Engineer tried to set up a meeting with you or with somebody in your firm, is that we get together and go over some of the grading and the drainage. We want to be sure that the drainage goes to that basin and not off the property. Curbing will help certainly direct that.

Frank Sova: That's the plan, to take all the drainage and bring it right to that catch basin.

Ed Meehan: That was our biggest concern.

Frank Sova: Right now it's kind of, the water ponds for two reasons, there is a little bit of a sag in here right now, and the catch basin is actually raised up too high.

Ed Meehan: Well, today wasn't a good example, but after you came in a couple of weeks ago, we went over and looked, and we didn't have much of a rain event, but there was quite a bit of water. Part of it is because the soil is so much clay over there. That is what we would like to sit down and talk to you about.

Frank Sova: Sure, absolutely.

Commissioner Pane: Mr. Chairman, I would like to see a blueprint with the existing buildings on here, along with the parking proposed, so that we can see the layout and how it relates to the existing facility.

Ed Meehan: We have a site plan on file, I can get that, or I can also get a GIS aerial photo which would give you to scale a good picture of it.

Vice-Chairman Correll: Any other comments, questions? Thank you.

## **VII. OLD BUSINESS**

- A. PETITION 52-07 – 190 Fenn Road, Spin Cycle Café Laundromat, Laury Rosario applicant, Umberto Manocchio, owner, request for Special Exception, Liquor Restaurant Use, Section 6.6 Public Hearing closed December 12, 2007. Sixty five day decision period ends February 15, 2008.**

Vice-Chairman Correll: Petition 52-07 has been withdrawn.

- B. PETITION 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111, owner and applicant, attention John Scelza, request for six (6) lot Subdivision R-20 Zone. Public hearing closed January 9, 2008. Sixty five day decision period ends March 14, 2008.**

Commissioner Kornichuk moved that PETITION 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111 owner and applicant, attention John Scelza, request for six (6) lot Subdivision R-20 Zone be postponed to February 27, 2008.

The motion was seconded by Commissioner Camerota.

Vice-Chairman Correll: Discussion?

Commissioner Pane: Do we have any staff report or anything on....

Ed Meehan: We do have revised plans that the Town Engineer is going through now on some of the grading issues that we brought up, that's the most significant thing. We also had talked about construction management during any rock removal or construction that could affect storm water drainage, particularly because of the character of the land, concern of fast run off to adjacent properties over near Shady Hill. The revised plans that we are looking at right now, there is going to be some attempt to adjust either the existing location of a catch basin on Rockledge, at the corner so that we don't get icing across the intersection. We want to make sure that will work. Tony Ferreira is looking at that. The bigger issue I think is one for the Commission members to discuss and give staff direction on, and that is your feelings on the removal of the slopes on the two westerly lots, on the new road as far as reducing the fifteen percent grade and dropping those lots, and some guidance on your feelings on how this construction should be approached. In our discussions with Alan Bongiovanni we had talked about attempting to have most of the blasting done, if not all of it done up front, to get it over with. He didn't lead us to believe that that was what his client wanted to do, or could do because they didn't know if all the lots were going to be developed at once. Second to that is, at least get the blasting done for the road, and for those, and the major blasting done for the lots which are going to be reduced, you know, six to eight feet. Maybe not the cellar holes at that point, so that if someone buys a lot, the lot is ready to go at least for the cellar hole, and if they don't put a foundation in, and someone comes in six months later, whoever starts blasting next to them. I think that is something we have done, we did that pretty much on Waverly, we did it on Rockledge, where the majority of the blasting was done up front. It reduces the disturbance to the neighborhood, the issue of removing rock off of this site could then be addressed through if possible, out through Culver Street, so I think those

are some of the things that if the Commission is ready to talk about that tonight, or later on would be helpful to us in drafting a motion for you on this project.

Vice-Chairman Correll: Comments or questions?

Commissioner Kornichuk: I know for one that I would like to see a lot of the blasting done up front. I sure wouldn't want to buy one lot and get started and then have somebody come in and start blasting a lot right next to me.

Commissioner Camerota: I think that was one of the neighbor's main concerns at the first hearing that we had, the blasting and what it was going to involve.

Ed Meehan: It would be pre-blast survey requirements and other safety precautions, getting the Fire Marshal involved with the blaster, but this is a very rocky site which you saw from just our field walk, the exposed bedrock.

Vice-Chairman Correll: Any other comments. I know that we discussed this at our last meeting.

Commissioner Fox: I think the Commission is on record as what Pete and Michelle just said, the blasting should be done right up front, and the grades changed.

Vice-Chairman Correll: Any other comments?

The vote was unanimously in favor of the motion, with five voting YES.

**C. Petition 54-07 – Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 3.15.4 Restaurant use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill CT 06067. Hearing closed January 9, 2008. Sixty five day decision period ends March 28, 2008.**

Commissioner Pane moved that PETITION 54-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 3.15.4 Restaurant use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill CT 06067 be postponed to February 27, 2008.

The motion was seconded by Commissioner Fox.

Vice-Chairman Correll: Discussion?

Commissioner Fox: Mr. Chairman, there was some discussion on the 300 foot distance between the commercial and the residential. Is there anything new on that, I mean, are we, there's a building lot there, do we consider that there is actually going to be a residence there, does this site violate that requirement?

Ed Meehan: I think you need to give us your interpretation on that. You have an approved project up above this site, and there are seven units within the three hundred foot radius, four in one structure, which I believe is like on the westerly side of the proposed private road up there, and three on the easterly side. There have been building permits issued already for I think its three of those. The developer, Toll Brothers has got those permits approved. They haven't started the work yet because they like to sell the units before they start the work, and they have

one buyer for those three units. The other four units at this point, they have not pulled permits, they have a deposit for one of the four, but they haven't pulled any permits until they get additional buyers, so there are two issues here. One, you've got plans approved but nothing in the ground yet, but you have plans approved with building permits issued for at least three units within the 300 feet. There was discussion at the last meeting as to how you interpret that section, Commission members said that where there is a difference in elevations between this site, and the site above it, maybe that is mitigating, but again, it's not clear in the regulations, it doesn't say in the regulations that the houses are there now, residences within three hundred feet.

Commissioner Camerota: I thought it was actually dwelling, which I think was the big issue, really the definition of dwelling versus residence.

Commissioner Pane: They're both the same.

Ed Meehan: We know they are going to be there, the building permits have been taken out. You're not going to find them in this set of regulations because that section was deleted, back in November. I can get the language if you would like.

Commissioner Pane: I have it at home.

Ed Meehan: Attorney Alter gave you some information, his opinion on that, but it's really left up to you, as interpreters of the regulations.

Commissioner Pane: I think that all the Commissioners should have a copy though, so we can talk about it.

Ed Meehan: I can get you that, what the old regulations used to be. You probably have them at home, if anybody doesn't have them, I'll make sure you get them, but I looked at the issue whether it is dwelling or residence, I think they are the same thing, but the point is.....

Commissioner Pane: In my opinion, a dwelling and a residence is the same, yes.

Ed Meehan: How you see it. If they are not there now, the applicant has his application in, the units aren't there. That's the issue, I think. Again, that's your call. So I think that is the big one on the special exception. All of the other standards, drive through, queue lines, sixty percent coverage, drive through window on one side, have all been addressed. It's not a corner site.

Commissioner Kornichuk: Ed, what section was that?

Ed Meehan: Section 3.15.4 Special Exceptions permitted in the Berlin Turnpike Business Zone.

Vice-Chairman Correll: Any further discussion?

The vote was unanimously in favor of the motion, with five voting YES.

- D. PETITION 55-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for site plan approval for 2,285 sq. ft. restaurant use, B-BT Zone District, represented by Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill, CT 06067. Sixty five day decision period ends March 28, 2008.**

Commissioner Fox moved that PETITION 55-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for site plan approval for 2,285 sq. ft. restaurant use, B-BT Zone District, represented by Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill, CT 06067, be postponed to February 27, 2008.

The motion was seconded by Commissioner Kornichuk.

Vice-Chairman Correll: Staff report?

Ed Meehan: This is suggested for postponement, the revised plans were delivered yesterday afternoon to staff and the Town Engineer and I are going through those now, so we don't have a report for you at this point. It will be ready for the next meeting?

The vote was unanimously in favor of the motion, with five voting YES.

- E. PETITION 62-07 – 129 Willard Avenue, Gibbs Oil Company, 6 Kimball Lane, Lynnfield, MA 01940 owner and applicant, represented by Attorney Eric Knapp, 148 Eastern Boulevard, Glastonbury, CT 06033 request for Special Exception Section 6.2.4 pylon sign, B Zone District.**

Commissioner Camerota moved that PETITION 62-07 129 Willard Avenue, Gibbs Oil Company, 6 Kimball Lane, Lynnfield, MA 01940 owner and applicant, represented by Attorney Eric Knapp, 148 Eastern Boulevard, Glastonbury, CT 06033 request for Special Exception Section 6.2.4 pylon sign, B Zone District be approved at a height of 17'2" and sign area (both sides) of 125.4 sq. ft. The total signage for this property (not counting dispenser signage) shall be 170 sq. ft. as shown on plans prepared by Ayoub Engineering, sheet SG-1, revised dated 12-4-2007.

The motion was seconded by Commissioner Fox.

Vice-Chairman Correll: Staff report?

Ed Meehan: No comments, the signs that were submitted comply with your regulations.

The vote was unanimously in favor of the motion, with five voting YES.

- F. PETITION 60-07 78 Pane Road, Newington Knights of Columbus Corporation, Louis P. Riccelli, President, 4 Grandview Drive Newington CT 06111 applicant, John Melonopoulos owner, request for fraternal organization Section 3.10 D and Special Permit Section 6.6 Liquor Use Club license, PD Zone District. Public Hearing closed January 23, 2008. Sixty five day decision period ends March 28, 2008.**

Commissioner Kornichuk moved that PETITION 60-07 78 Pane Road, Newington Knights of Columbus Corporation, Louis P. Riccelli, President, 4 Grandview Drive Newington CT 06111 applicant, John Melonopoulos owner, request for fraternal organization Section 3.10 D and Special Permit Section 6.6 Liquor Use Club license, PD Zone District be approved the

Commission finding that there are no other club liquor permits with a 500 feet radius. This approval is also based on the applicant's testimony that the club's occupancy will be limited to approximately 2,000 sq. ft; that this space will not be used by other groups or persons for private gatherings; that the club's meeting times will be held after 7:00 p.m. to facilitate shared parking with other building tenants.

The motion was seconded by Commissioner Fox.

Vice-Chairman Correll: Any discussion?

The vote was unanimously in favor of the motion with five voting YES.

**VIII. PETITIONS FOR SCHEDULING (TPZ February 27, 2008 and March 12, 2008.)**

- A. PETITION 03-08 – 260 Stamm Road, Marcin and Dariusz Jarosiewicz, 64 Brown Street, New Britain CT 06053 applicants, Integra Realty Associates, LLD owner request for Special Exception Section 3.17.8 and Section 6.11 auto repair use, I Zone District. Schedule for Public Hearing February 27, 2008.
- B. PETITION 04-08 – 2451 Berlin Turnpike, Joe Campopiano, 38 Buckland Street, Apartment 1233-3 Manchester, CT 06042, D.B.A Mother Cuckers Chicken, Seafood, Steak, Ribs, LLD, David Kaye owner request for Special Exception Section 3.15.3 Restaurant Use, B-BT Zone District. Schedule for Public Hearing February 27, 2008.
- C. PETITION 05-08 - 2451 Berlin Turnpike, Joe Campopiano, 38 Buckland Street, Apartment 1233-3 Manchester, CT 06042, D.B.A Mother Cuckers Chicken, Seafood, Steak, Ribs, LLD, David Kaye owner request for Special Permit Section 6.6 Liquor Permit Restaurant use, B-BT Zone District. Schedule for Public Hearing February 27, 2008.

Ed Meehan: There are no public hearings carried over, and the legal notice has to be in the paper by Friday morning, so this is pretty much the schedule for the next meeting, February 27<sup>th</sup>.

**IX. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

None.

**X. REMARKS BY COMMISSIONERS**

Commissioner Kornichuk: I just have one. The lights on the sign, Garfield at the corner, the light on the back side, I don't know if through the snow, or whatever, it seems to be tilting down, and it glares in your eyes....

Ed Meehan: The drivers?

Commissioner Kornichuk: Yeah.

Ed Meehan: It could have, the knuckle on it could have moved. I'll mention that to the highway department.



Commissioner Kornichuk: Then there is also that one on Bayberry. What a pond there was at that manhole today. You want to wash down the underside of your car, today was the day to do it.

**XI. STAFF REPORT**

Ed Meehan: I did include in the agenda packet just a summary list of the zone changes that became effective in November and August. That is for your information, just to give you some background on those. The accessory apartment discussion, after your last meeting I referred it over to the Town Attorney's office and Mr. Ancona is reviewing that. He is going to have some comments for me to bring back to you at a future meeting. That's about it. There are two bond issues here for your review.

Commissioner Fox: Shall we move that item A and item B under staff report be moved to Old Business.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with five voting YES.

**27 Olive Street  
Bond Release – Cencon Services**

Commissioner Pane moved that the \$10,000 bond held for completion of utility installation and bituminous driveway across Town of Newington Right of Way be released all work having been done as shown on the "As Built" Cencon Corporation survey, revised dated October 5, 2007.

The motion was seconded by Commissioner Fox.

The vote was unanimously in favor of the motion, with five voting YES.

**28 Garfield Street,  
Bond Reduction - OFI Furniture**

Commissioner Fox moved that the Site Bond held for work at 28 Garfield Street, OFI Furniture be reduced from \$109,000 to \$32,000 as recommended by the Town Engineer.

The motion was seconded by Commissioner Kornichuk.

The vote was unanimously in favor of the motion with five voting YES.

**XII. ADJOURNMENT**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Pane. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary